

November 20, 2019

VIA ELECTRONIC FILING

Office of Regulations and Interpretations
Employee Benefits Security Administration
Attention: Electronic Disclosure by Employee Benefit Plans, RIN 1210-AB90
Room N-5655
U.S. Department of Labor
200 Constitution Ave., NW
Washington, D.C. 20210

Re: The SAG-AFTRA Health Plan's Comments on Proposed Regulations Regarding
Electronic Disclosure by Employee Benefit Plans

To whom it may concern:

The SAG-AFTRA Health Plan respectfully submits these comments on the Department's proposed regulation regarding electronic disclosure by employee benefit plans. The proposed regulation was published in the *Federal Register* on October 23, 2019 (RIN 1210-AB90). The purpose of this letter is to encourage the Department to expand the proposed regulation to cover disclosures from employee welfare benefit plans.

By way of background, the SAG-AFTRA Health Plan is a multiemployer health plan covering over 33,000 participants, retirees and surviving spouses, as well as an additional 30,000 dependents. The Plan primarily covers actors, singers and other performers who perform work under collective bargaining agreements between employers and SAG-AFTRA. The SAG-AFTRA Health Plan has a robust, participant-friendly web site providing a wealth of information about the Plan. While Plan participants regularly communicate electronically using computers and mobile devices in their daily lives, given the nature of their work, they do not typically access documents at specific locations (e.g., movie and television sets) where those duties are performed and accessing the Plan sponsor's electronic information system is not an integral part of their duties. Thus, the SAG-AFTRA Health Plan can only make limited use of the existing safe harbor for electronic disclosure under the Employee Retirement and Income Security Act of 1974, as amended ("ERISA").

The SAG-AFTRA Health Plan agrees with the Department's analysis that an additional safe harbor is advisable to facilitate electronic disclosure of those documents required to be provided participants, beneficiaries, and other individuals entitled to such documents ("Covered Individuals") under ERISA. Accordingly, the SAG-AFTRA Health Plan supports reasonable regulations that would do so. A plan administrator's ability to satisfy ERISA's disclosure requirements by providing electronic access or delivery of required documents, other than to those Covered Individuals who affirmatively elect to receive physical copies, would significantly reduce costs and the administrative burden of mailing physical copies on a large scale. Moreover, given the pervasive availability of, and access to, electronic communication platforms, the SAG-AFTRA Health Plan believes that electronic access or delivery is reasonably calculated to ensure actual receipt of the information in the required disclosures.

In addition, the SAG-AFTRA Health Plan strongly believes that the considerations described above apply to ERISA-covered employee welfare benefit plans no less than they do to retirement plans. Accordingly, the SAG-AFTRA Health Plan encourages the Department to expand upon the proposed regulation so that the final

regulation applies the same type of safe harbor to employee welfare benefit plans, and to coordinate with the Treasury Department and Department of Health and Human Services where applicable. This will promote efficient administration and allow plans to use more of their assets to provide benefits, a critical issue in light of the rising cost of healthcare.

The SAG-AFTRA Health Plan thanks the Department for the opportunity to provide these comments, and respectfully requests that the Department take them into consideration before finalizing the proposed regulation.

Sincerely,

Board of Trustees of the SAG-AFTRA Health Plan

By: 

Michael Estrada
Chief Executive Officer